

**REMARKS/ARGUMENTS:**

This application has been reviewed in light of the Final Office Action mailed on March 19, 2009. Claims 1-18 are pending in the application with Claims 1 and 10 being in independent form. By the present amendment, Claims 1, 7, 8, 10 and 16 have been amended. Support for the amendments can be found throughout Applicants' specification, such as in Figures 2, 4 and 5 and at paragraphs [0016], [0017], [0038] and [0039]. No new matter or issues are believed to be introduced by the amendments.

Claims 7, 8 and 16 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 7, 8 and 16, as presented herein, are believed to be in compliance with the requirements of §112, second paragraph. Accordingly, withdrawal of the §112, second paragraph rejection is respectfully requested.

Claims 1-3, 5-6, 10-12, 14-15 and 17-18 are rejected under 35 U.S.C. §102(e) as being anticipated by Akagiri et al. (RE 37,864).

Claim 1, as amended herein, recites, *inter alia*, as follows:

"...a distortion detector for determining a degree to which quantization noise introduced in encoding said successive fragments of said previously-encoded audio signal becomes audible due to said post-processing of said successive fragments of said decoded audio signal... (Emphasis added.)

Claim 1 is directed to an audio system having a post processor that post processes fragments of a decoded audio signal. The audio system also has a distortion detector that determines a degree to which quantization noise become audible due to the post processing of the decoded audio signal. Akagiri, as applied by the Examiner, does not disclose such feature of claim

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That is, in explaining the rejection, the Examiner appears to rely on Figure 6 and 16, col. 5, lines 31-56 and col. 10, lines 15-29 of Akigiri to disclose the above recited feature. Such portions of Akigiri merely disclose a quantizing error reducer. Moreover, the quantizing error reducer appears to be applied to an encoded signal (see Figures 14 and 15 of Akigiri) and not to a decoded audio signal as in claim 1. Furthermore, Akigiri does not disclose that the quantizing error reducer is applied to a decoded audio signal.

Accordingly, amended independent claim 1 is believed to be distinguishable from Akigiri for at least the reasons described above.

Amended independent claim 10, is substantially similar to amended independent claim 1, and, due to such similarities, is also believed to be distinguishable from Akigiri for at least the reasons described above.

Claims 2-3, 5-6, 11-12, 14-15 and 17-18 depend from one of independent claims 1 and 10, and, at least due to such dependency, are believed to be distinguishable from Akigiri for the reasons described above with regard to independent claims 1 and 10.

Accordingly, the withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claims 1-3, 5-6, 10-12, 14-15 and 17-18 and allowance thereof are respectfully requested.

Claims 4 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Akigiri in view of Kirkeby (US 6,928,168)

Claims 4 and 13 depend from one of independent claims 1 and 10, and, at least due to such dependency, are believed to be distinguishable from Akigiri. The Examiner does not rely on Kirkeby to overcome the above-described deficiencies of Akigiri. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 4 and 13 and allowance thereof are

respectfully requested.

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Akigiri.

Claim 8 depends from independent claim 1, and, at least due to such dependency, is believed to be distinguishable from Akigiri. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 8 and allowance thereof are respectfully requested.

Claims 7, 9 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Akigiri in view of Moehrs et al. (*"Analysing decompressed audio with the 'Inverse Decoder' - towards and Operative Algorithm,"* AUDIO ENGINEERING SOCIETY CONVENTION PAPER, May 2002 ("Moehrs")).

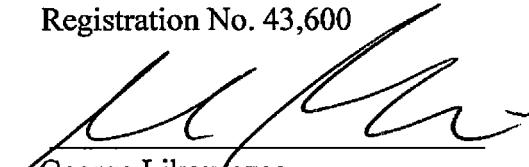
Claims 7, 9 and 16 depend from one of independent claims 1 and 10, and, at least due to such dependency, are believed to be distinguishable from Akigiri. The Examiner does not appear to rely on Moehrs to overcome the above-described deficiencies of Akigiri. Accordingly, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 7, 9 and 16 and allowance thereof are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all Claims presently pending in the application, namely, Claims 1-18, are believed to be in condition for allowance.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to contact the undersigned.

Respectfully submitted,

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